

Memorandum

To: Mary Nichols, Director
The Resources Agency

Date: July 18, 2003

From: **ROBERT C. HIGHT, Director**
Department of Fish and Game

Subject: Comments on the Monterey Bay National Marine Sanctuary's Joint Management Plan Review, Proposed Action Plans

The Monterey Bay National Marine Sanctuary has prepared a series of draft Proposed Action Plans as part of its joint management plan review (JMPR) process. The 27 Action Plans contained in the 456-page draft document resulted from a lengthy process which included public scoping sessions and stakeholder working groups meetings during the past 2 years. The Sanctuary Advisory Council (SAC) is now reviewing these plans and will be making recommendations to the Sanctuary staff in late July.

The Department has a seat on the SAC and is providing the attached comments to support a coordinated agency response in this review process. The comments are organized into two categories, substantive and minor. It is our understanding that only substantive comments will be discussed at the July 31-August 1 Sanctuary Advisory Council meeting in Santa Cruz. However, all comments will be distributed to SAC members by the Sanctuary office.

Comments are incorporated by Action Plan in the order in which they appear in the JMPR Table of Contents. Page breaks separate comments for each Action Plan. Those Action Plans for which the Department has substantive comments are as follows:

Desalination
Harbors and Dredge Disposal
Submerged Cables
Benthic Habitats
Introduced Species
Krill Harvesting
Special Marine Protected Areas
Beach Closures and Contamination
Cruise Ship Discharges
Water Quality Protection Program Implementation
Fishing Related Research and Education
Marine Mammal, Seabird, and Turtle Disturbance
Motorized Personal Watercraft
Maritime Heritage

Mary Nichols
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GRAY DAVIS, *Governor*



July 18, 2003

Department of Fish and Game Comments on Monterey Bay National Marine Sanctuary's Joint Management Plan Review (JMPR), Proposed Action Plans

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The Department has substantive comments only, or substantive and minor comments, for the following Action Plans:

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Motorized Personal Watercraft
Maritime Heritage

The Department has minor comments only for the following Action Plans:

Coastal Armoring
Operations and Administration
Ecosystem Monitoring

Compiled by Paul Reilly, Senior Biologist, Marine Region, Monterey

CDFG Substantive Comments

CDFG Substantive Comments

Action Plan: Desalination

Potential Impacts of Desalination, text

What needs to be changed: CDFG has required that the brine concentration be at background levels 33 or 34 ppt within 3 m of discharge location. This is an engineering problem. If located in sand, animals should not be impacted by a 20' diam. outfall zone of dilution.

What is the suggested change? Add a reference to this requirement to the text.

Strategy: 2 Facility Siting Guidelines

Activity: 2.1 Identify Preferred Conditions and Habitats

What needs to be changed? DFG already has provided information to various applicants and agencies as to preferred conditions and habitats resilient to brine impacts and sensitive habitats and species.

What is the suggested change? Begin sentence with "Building on the work done by CDFG, MBNMS staff will identify..."

Activity: 2.2 Develop Intake/Outfall Siting Guidelines

What needs to be changed: The Sanctuary should provide coordination in this effort rather than be the lead agency.

What is the suggested change? Change first sentence under Activity 2.2 to read: "The Sanctuary will coordinate with the appropriate lead state agencies in the development and implementation of recommendations and guidelines..."

Strategy: 2 Facility Siting Guidelines

Activity: 2.3 Ensure Comprehensive Consideration of Potential Impacts

What needs to be changed: The Sanctuary should provide coordination in this effort rather than be the lead agency.

What is the suggested change? Change first sentence under Activity 2.3 to read: "The Sanctuary will coordinate with the appropriate lead state agencies in the development and implementation of recommendations and guidelines..."

Strategy: 3 Environmental Standards for Desalination Facilities

Activity: 3.1 Define Limits for Constituents of Brine Effluent

What needs to be changed: The Sanctuary should provide coordination in this effort rather than be the lead agency.

What is the suggested change? Change first sentence under Activity 3.1 to read: "The Sanctuary will coordinate with the appropriate lead state agencies to define and implement limits..."

Strategy: 4 Modeling and Monitoring Program

Activity: 4.2 Identify Minimum Information required for Project Application

What needs to be changed: The Sanctuary should provide coordination in this effort

(CDFG Substantive Comments continued- Desalination)

rather than be the lead agency.

What is the suggested change? Change first sentence under Activity 4.2 to read:
"The Sanctuary will coordinate with the appropriate lead state agencies to identify the minimum requirements..."

Strategy: 4 Modeling and Monitoring Program

Activity: 4.3 Identify Additional Requirements for Application Submittal

What needs to be changed: The Sanctuary should provide coordination in this effort rather than be the lead agency.

What is the suggested change? Change first sentence under Activity 4.3 to read:
"The Sanctuary will coordinate with the appropriate lead state agencies to identify additional requirements..."

CDFG Substantive Comments

Action Plan: Harbors and Dredge Disposal

Strategy: 2 Offshore Disposal Sites

Activity: 2E Evaluate Relocation or Redefinition of SF-12 Dredge Disposal Site.

What needs to be changed? How will the EIS for the JMPR be able to evaluate comparative impacts without at least a full year study of marine animals in a larger area if the Sanctuary wants to move the disposal site to the head of the canyon?

What is the suggested change? Explain how the EIS will be able to evaluate comparative impacts.

CDFG Substantive Comments
Action Plan: Submerged Cables

California Statutes and Authority, page 55

What needs to be changed?

Two additional authorities need to be referenced: Fish and Game Code Sections 2081 and 2084, which allow the take of listed species and candidate species under certain circumstances, and the California Endangered Species Act.

What is the suggested change? Add new sections to briefly describe these authorities.

What needs to be changed? Bullet 10. "Essential Fish Habitat" is very broad and could be interpreted as all ocean waters within the Sanctuary.

What is the suggested change? Change this to "Habitats of Particular Concern".

What needs to be changed? "The map will include..."

Trawling effort within the Sanctuary. This should be qualified. The location of present trawling areas is very different from that of the past. Would the map only list locations of trawling or will it actually quantify effort by location?

What is the suggested change? Change to "Location of present and historic trawling areas within the Sanctuary".

CDFG Substantive Comments
Action Plan: Benthic Habitats

Strategy: 2 Assessment of Trawling Activity

Activity: 2.1 Compile fishing Data

What needs to be changed? DFG currently monitors trawl activity by landing receipts and logbooks. Both are keyed into an ORACLE relational database, the "Commercial Fisheries Information System" (CFIS). Though the block chart has been programmed into ArcView, logbook data has not regularly been mapped.

DFG has concerns over confidentiality issues; the Department cannot provide vessel specific fishing/landings information to MBNMS.

The Department also has concerns about the phrase "In an effort to hone potential management recommendations, the Sanctuary will..." The Department is concerned that this may be interpreted as a desire of the Sanctuary to be involved in fishery management as a lead agency.

Finally, the Department has already summarized existing trawl closures on maps.

What is the suggested change? Reword the first sentence as: "Building off existing databases, MBNMS staff will work with CDFG and fishermen to agree on an appropriate level of resolution for existing trawl data". In the second sentence delete "In an effort to hone potential management recommendations" Line 6, add at beginning of sentence "With the recognition of the potential added workload to CDFG staff, in addition to..."

Strategy: 2 Assessment of Trawling Activity

Activity: 2.2 Evaluate Effect of Current and Projected Regulations on Future Fishing Effort

What needs to be changed: The Sanctuary needs to recognize that DFG may not have the resources to provide license data, and some of these data may be confidential.

What is the suggested change? Begin first sentence with "With the recognition of the potential added workload to DFG staff, and the confidentiality of some of the data..."

Strategy: 2 Assessment of Trawling Activity

Activity: 2.3 Improve Data Gathering

What needs to be changed: PFMC/NMFS is working on the implementation of a Vessel Monitoring System (VMS) and electronic logbooks.

What is the suggested change? Change first sentence to read "MBNMS staff will encourage the continued development of a more refined system of gathering data, as this has been initiated by federal fishery agencies."

Strategy: 3, Identify Habitats Vulnerable to Trawling

Description and Activity 3.1 Consult Literature and Scientists to Develop Criteria for Selecting and Prioritizing Habitats Vulnerable to Effects of Bottom Trawling

What needs to be changed: Words such as "vulnerability" and "susceptible" are broad and vague and need to be defined

What is the suggested change? Define the above terms in the context of the description.

(CDFG Substantive Comments continued- Benthic Habitats)

Strategy: 3 Identify Habitats Vulnerable to Trawling

Activity: 3.2 Consult with Local Scientists, Fishermen, and Primary Literature to Determine What and Where Vulnerable Habitats are Located

What needs to be changed: "Vulnerable", "vulnerability", and "stressed" are broad, vague terms and need to be defined. What "stressed local species" are being referred to?

What is the suggested change? Define the above terms and give examples of "stressed local species, such as bocaccio and canary rockfish".

Strategy: 3 Identify Habitats Vulnerable to Trawling

Activity: 3.4 Evaluate the Need for Additional Habitat Distribution Data and Research, and Develop Strategy to Obtain and Conduct it Where Necessary

What needs to be changed: Concerning the reference to "management recommendations" for trawling, again the Department is concerned that this may be interpreted as a desire of the Sanctuary to be involved in fishery management as a lead agency.

What is the suggested change? Rewrite first sentence as: "The Sanctuary will determine the availability of habitat information in areas where trawling is occurring." Delete "If not" from the next sentence.

CDFG Substantive Comments
Action Plan: Introduced Species

Strategy: 5 Resource Assessment

Activity 5.1 Identify Funding Sources and Other Resources

What needs to be changed? Section B is no longer applicable. It is our understanding that AB 120 is no longer on the table. There should be language added that identifies Prop 13, 40 and 50 as funding sources to deal with invasive issues, especially any eradication or control programs.

What is the suggested change? Delete text from Section B. Substitute the following text:

"Propositions 13, 40 and 50 are potential funding sources to deal with invasive issues, especially any eradication or control programs."

CDFG Substantive Comments
Action Plan: Krill Harvesting

Current State and Federal Management: p. 135, next to last sentence of paragraph. There is nothing in Assembly Bill 1296, which should be cited in the text, which says the legislation "would prohibit California citizens or licensed vessels from taking krill in federal waters". The law would prohibit harvest from shore out to 200 miles off California, period.

What needs to be changed? Reference the bill and include the actual language: "It is unlawful to take or land krill of any species of euphausiid for any purpose except scientific research pursuant to regulations adopted by the commission. This section applies to krill in the waters of this state and up to 200 miles offshore, as long as federal law does not regulate the taking of krill."

It should be noted that this law would not prevent vessels registered outside of California from harvesting krill outside state waters, but it would prevent those vessels from landing krill in California

Statutory and Regulatory Context for Prohibiting Krill Harvesting: page 137, second sentence of paragraph

What needs to be changed?

The regulatory authorities of the Commission and state legislature are omitted.

What is the suggested change? Rewrite to say: "...recognize that the primary regulatory authorities over fisheries management reside with the Fish and Game Commission, NMFS, PFMC, and the state legislature, and..."

CDFG Substantive Comments

Action Plan: Special Marine Protected Areas

Introduction:

What needs to be changed? Throughout the plan the term "Special " is issued in order to distinguish the type of areas discussed from the classification of the Sanctuary itself. This is confusing.

What is the suggested change? If the Sanctuary could consider itself as a "Marine Managed Area" than the term "special" would not be needed because the term "Marine Protected Area" would then only mean areas which restrict some or all forms of take. This would make the terminology consistent with that adopted in the Marine Managed Areas Improvement Act. Sanctuary regulations do not specifically restrict the harvest of living marine resources, thus this is consistent with the equivalent state classification of "Marine Managed Area".

CDFG Substantive Comments

Action Plan: Beach Closures and Contamination

Strategy: 9 Emergency Response

Activity: 3 Encourage Local Governments to Develop Model Spill Response Program that Ensures Proper Techniques for Containment, Disinfection, and Source Control

What needs to be changed? The Department recommends against disinfection as an emergency response method.

What is the suggested change? Delete "Disinfection,".

CDFG Substantive Comments

Action Plan: Cruise Ship Discharges

Strategy: 1 Harmful Discharge Prohibition

What needs to be changed? Does the Sanctuary intend to prevent all discharges from cruise ships? If so, would they give variances to specific authorized discharges?

What is the suggested change? Either define the word "harmful" as it applies to discharges or delete it from this strategy.

Strategy: 1 Harmful Discharge Prohibition

Activity: 1.3 Develop a Prohibition on all "Harmful discharges" from Cruise Ships...

What needs to be changed? It is not clear what state and federal authority is needed for this activity.

What is the suggested change? Add at beginning "Investigate the potential of EPA to develop..."

CDFG Substantive Comments

Action Plan: Water Quality Protection Program Implementation

Strategy: 11 Public Education and Outreach

Activity: 11.2 (new activity)

What needs to be changed? DFG is suggested a new activity to be added to this strategy titled "Vessel Fueling Education". The Sanctuary omitted mention of DFG's Office of Spill Prevention and Response regulations concerning small craft refueling. Additional information is provided after the suggested change.

What is the suggested change? Add the following:

Activity 11.2: Vessel Fueling Education

The WQPP should work with the Department of Fish and Game Office of Spill Prevention and Response (OSPR) Outreach Program to educate small craft refueling docks regarding applying to be registered and certified "exempt" fuel docks (exempt from Certificates of Financial Responsibility and formal Oil Spill Contingency Plan requirements). Work with OSPR Outreach Program to educate small craft refueling docks as to their responsibility to prevent spills, liability for damage caused by oil spills, and spill notification requirements.

Status: 1

Potential Partners: DFG OSPR, Harbormasters, small craft refueling docks

Additional supplementary information provided by CDFG:

State law identifies small craft refueling docks as a class of facilities that may apply for exemption from filing the Certificates of Financial Responsibility and formal oil spill contingency plans required of larger marine facilities and terminals. This is because experience has shown that the risk of a major spill is lower at small craft refueling docks, as defined by law.

A small craft refueling dock is defined as a waterside operation, serving primarily small craft of less than 20 meters in length and less than five tons net weight. To qualify for exemption, a small craft refueling dock:
dispenses only nonpersistent oil (gas, diesel, jet fuel) in bulk, but may dispense a small amount of persistent lubrication oil if it is in sealed containers not exceeding five gallons;
has no single storage tank or tank compartment exceeding 20,000 gallons capacity;
has a total useable tank storage capacity not exceeding 75,000 gallons.

Those docks which meet legally-specified conditions must apply to be registered and certified by OSPR as "exempt" fuel docks. They do remain legally (and financially) liable for damage caused by any petroleum product spilled in the waters around their facilities. They are responsible for making efforts to prevent oil spills, and for immediately reporting any spills that occur, by telephoning the U.S. Coast Guard (800-424-8802) and the California Office of Emergency Services (800-OILS-911).

To assist Small Craft Refueling Dock operators in their spill prevention and response efforts, State law requires the OSPR Administrator to maintain an Education-Outreach

(CDFG Substantive Comments continued- Water Quality Protection Program Implementation)

Program. Based at OSPR's Sacramento headquarters, the Program provides information through:

Brochures and flyers

"Spills Aren't Slick" Signs (11" x 17") - (Temporarily out of stock)

Telephone contact with the Outreach Program Coordinator

Voluntary inspections by Oil Spill Prevention Specialists, who can identify strengths and weaknesses in a system, and - when appropriate - show a dock operator ways to improve his/her ability to prevent and respond to spills

The OSPR Guide to Clean, Green Boating, a tabbed booklet of information covering such subjects as the impact of oil spills on wildlife and the marine environment, spill prevention and response actions, regulations, phone numbers to call when a spill is discovered, boating "rules of the road," aids to navigation, contact numbers for boating and sailing courses, and green boating practices

Live, narrated slide presentations for groups (available by request)

The Outreach Program Coordinator works with other organizations and agencies to develop and share information on pollution prevention products and techniques. These include such groups as California's five Harbor Safety Committees, the California Clean Boating Network (CCBN), the Advisory Board for the Coastal Commission's Boating, Clean & Green campaign, and the Pacific Oil Spill Prevention Education Team (POSPET), which includes California, Oregon, Washington, Alaska, and British Columbia. Ideas are also generated by OSPR's participation in the State's-BC Oil Spill Task Force.

For further information or a brochure, call (916) 323-6286, or leave an e-mail message at: rhughes@Ospr.dfg.ca.gov.

Strategy: 14 Hazardous and Toxic Materials Management

What needs to be changed? It is stated in the Strategy Description that harbormasters are now handling hazardous materials adequately; therefore we recommend that this strategy be deleted.

What is the suggested change? Delete Strategy 14.

CDFG Substantive Comments

Action Plan: Fishing Related Research and Education

Strategy: 2, Stakeholder Communication Enhancement, Description

What needs to be changed? Page 291: "Historically, there is a lack of good communication and working relationship between the fishing community and resource (protection) managers". As a resource manager I strongly disagree. I and others in the Department have spent a good part of their career communicating with fishermen on a variety of issues, many of them controversial.

What is the suggested change? Delete the first sentence. Change the second sentence to read "The MBNMS and fishing community would like to continue to improve the communication between resource managers and the fishing community..."

Strategy: 5 Fisheries Related Data Collection and Distribution

Activity: 5.3 Investigate the Feasibility of Developing and Implementing a Logbook System for Recreational Fishermen

What needs to be changed: Why would the Sanctuary be the lead on this proposed activity? This is clearly a task best done by the Department or the Pacific States Marine Fisheries Commission.

What is the suggested change? Suggested rewrite: "Inquire to DFG or the Pacific States Marine Fisheries Commission as to the feasibility of developing log books for recreational fishermen."

CDFG Substantive Comments

Action Plan: Marine Mammal, Seabird, and Turtle Disturbance

Strategy: 1 Vessel Disturbance

Activity: 1.4E Outreach and Promotion of Wildlife Viewing Guidelines to Private Boaters. Use CDFG biologists who routinely check fish lengths and species information at boat launch ramps.

What needs to be changed? DFG Biologists who doing creel surveys at launch ramps do not have time to offer educational advice on wildlife viewing when they are interviewing anglers.

What is the suggested change? Delete this activity subsection.

Strategy: 4 Marine Debris

Activity: 4.4C Develop Notification of Abandoned Gear Recovery Program. Identify and enlist a network of partner organizations or individuals who are able to retrieve abandoned gear.

What needs to be changed? It is not clear if this recommendation refers only to gear that has washed up on the beach. The general public should be cautioned about retrieving gear on or in the water which they think may be abandoned but in fact is not. It should be made clear that only trained organizations and individuals should be involved in this

What is the suggested change? Add "on the shore" at the end of the sentence. Alternatively, rewrite as "Identify and enlist a network of trained partner organizations or individuals who are able to retrieve abandoned gear, after it is determined that the gear is in fact abandoned."

Strategy: 5 Commercial Harvest Related Disturbance

Activity: 5.2B Increase Interagency coordination on Bycatch Reduction of Marine Mammals, Sea Turtles and Birds. The MBNMS should investigate if NOAA Fisheries standards are consistent with Sanctuary goals.

What needs to be changed? What is meant by "NOAA fishery standards"? What kind of investigation is envisioned?

What is the suggested change? Clarify this sub-activity.

Strategy: 5 Commercial Harvest Related Disturbance

Activity: 5.2C Increase Interagency coordination on Bycatch Reduction of Marine Mammals, Sea Turtles and Birds. Investigation into other means of bycatch reduction should be conducted where appropriate.

What needs to be changed? What is meant by "other means of bycatch reduction"? Other than what? No types of BRD are described.

What is the suggested change? Delete this sub-activity or expand and discuss types of bycatch reduction devices.

Strategy: 8 Enforcement Activity Disturbance

Activity: 8.1 Strengthen Enforcement

What needs to be changed? Recognize that MBNMS needs more enforcement

(CDFG Substantive Comments continued- Marine Mammal, Seabird, and Turtle Disturbance)

officers.

What is the suggested change? Change Activity 8.1A to "Increase MBNMS enforcement staff" and re-letter other sections.

CDFG Substantive Comments

Action Plan: Motorized Personal Watercraft

Strategy: 5 Enforcement

Activity: 5.1 Expand Deputization of Local Peace Officers

What needs to be changed? The Department has concerns about increased demands on its existing marine enforcement staff to assist in the planned "deputization".

What is the suggested change? Insert another sentence after the first one: "It is likely that the ability of state agencies to assist in this plan will be limited due to staffing and budget issues."

CDFG Substantive Comments
Action Plan: Maritime Heritage

Strategy: 4 Submerged Archaeological Resources Protection and Management

Activity: 4.5 Identify Archaeological and Historic Resources Currently Outside Sanctuary Boundaries

What needs to be changed? An alternative to enlarging the Sanctuary exists in order to protect certain historic shipwrecks. Once the hazardous material is removed from the vessel, the Sanctuary may want to pursue the option of using a new state MMA classification.

What is the suggested change? Add the following: "An alternative would be to seek protective status for certain shipwrecks in state waters under the authority of the Marine Managed Areas Improvement Act. A new classification of Marine Managed Area, called a State Marine Cultural Preservation Area, now exists, and a primary objective is to protect historic shipwrecks. The Park and Recreation Commission is the designating entity for this classification."

End CDFG Substantive Comments

CDFG Minor Comments

CDFG Minor Comments

Action Plan: Coastal Armoring

Introduction:

What needs to be changed? Page 15, para. 2, last line: "most treasured resources, its beaches, bluffs, and coastline". This is a value judgment. What about the subtidal marine resources?

What is the suggested change? Delete "most treasured"

Strategy: 1 Issue Characterization and Needs Assessment

Activity: 1.1 A Produce Sanctuary-wide Maps and Database for use as Planning and Permit Review Tools. Map existing coastal armoring sites and potential future site requests.

What needs to be changed? How will you identify future site requests?

What is the suggested change? Please clarify.

Strategy: 1 Issue Characterization and Needs Assessment

Activity: 1.1 A Produce Sanctuary-wide Maps and Database for use as Planning and Permit Review Tools. Develop regional integrated database and GIS layers showing land use types, parcels, coastal armoring locations, beach and bluff erosion rates, bottom types, biological habitats, geology/geomorphology etc.

What needs to be changed? Beaches and bluffs also have replenishment rates in the spring, summer, and fall.

What is the suggested change? Add "and replenishment" after "erosion".

Strategy: 2 Develop and Implement Regional Approach

Activity: 2.6 Develop a Multi-Agency Enforcement Program

What needs to be changed? "will develop a multi-agency enforcement program..."

Have the agencies in question been asked about this?

What is the suggested change? Change title of Activity to "Broaden the Multi-Agency enforcement Program". Change first line of text to read "MBNMS will broaden the multi-agency enforcement program, which includes inspection..."

Strategy: 3 Permit Program Improvements

Activity: 3.2 Incorporate MBNMS Standards into Agency Permits

What needs to be changed: It may not always be appropriate to incorporate MBNMS standards into Coastal Commission permits

What is the suggested change? Add "where appropriate" at end of sentence.

Strategy: 4 Program Implementation and Training

Activity: 4.2 Conduct Outreach to Agencies and Property Owners

What needs to be changed: Clarify that the outreach is for agencies not involved in the planning process.

What is the suggested change? Change first line of text to read:

(CDFG Minor Comments continued- Coastal Armoring)

"MBNMS Staff will provide outreach to agencies not involved in the planning process, developers and private property owners about regional approaches to coastal armoring and existing guidelines."

CDFG Minor Comments
Action Plan: Desalination

Introduction: para 1, last sentence

What needs to be changed? Declining freshwater sources is another reason for desalination to look attractive

What is the suggested change? Add "and declining freshwater sources," after "from conventional sources,".

Desalination in the Sanctuary: p. 26 *Duke Power Plant*, last word in para.

What needs to be changed? "eliminated" should be changed to "minimized"

What is the suggested change? Change "eliminated" to "minimized".

Strategy: 4 Modeling and Monitoring Program

Activity: 4.3 Identify Additional Requirements for Application Submittal

What needs to be changed: Why would a discharge occur in a sensitive habitat?

What is the suggested change? Sentence 2, replace "sensitivity" with "type".

Strategy: 5 Outreach and Information Exchange

Activity: 5.1 Develop Outreach Plan for MBNMS Desalination Guidelines and Regulations

What needs to be changed: DFG does not need an outreach program (agencies) since we are providing expert advice to Sanctuary

What is the suggested change? Insert "local" before "agencies" in the text of the sentence.

CDFG Minor Comments

Action Plan: Harbors and Dredge Disposal

Introduction:

What needs to be changed? Page 37, last para, last sentence: Heavy winter storm conditions and high surf also occur when there are no El Niño conditions

What is the suggested change? Replace "also resultant from El Niño conditions" with "which usually occur every year but are exacerbated by El Niño conditions"

Figure 1

What needs to be changed? Please check the location of SF-14. It is offshore and to the north. In the Monterey Harbor inset, the Beach Decant Site will be lost with the current Catellus development plan.

What is the suggested change? Please check the location of SF-14. Note the above on the Monterey Harbor inset.

CDFG Minor Comments

Action Plan: Submerged Cables

Introduction:

What needs to be changed? Page 50, *Wildlife Disturbance*, last sentence: Only the sea otter "resides" in the Sanctuary; the other 25 species pass through for various lengths of time.

What is the suggested change? Change "reside" to "utilize habitats"

Strategy: 1 Routing and Zones for submerged Cable Projects

Activity: 1.1 Identify Environmentally Sensitive Areas

What needs to be changed? Bullet 7- there is confusion in using the tem "special marine protected areas"

What is the suggested change? Suggest changing this bullet to "Areas set aside as marine protected areas as defined in the Fish and Game Code."

Strategy: 2 Submerged Cable Project Permit Guidelines

Activity: 2.2.C Cable Removal,

What needs to be changed? para 1, last sentence. It is not clear that this refers to the life expectancy of the cable as opposed to the installation of the cable

What is the suggested change? Please clarify this.

CDFG Minor Comments

Action Plan: Benthic Habitats

Introduction, page 68

What needs to be changed? Para. 1: Third sentence. This effect of reduction in total biomass applies to any fishery.

What is the suggested change? Add to beginning of sentence: "As in any fishery, indirect effects..."

What needs to be changed? Para. 2, line 7 "in less accessible, previously unfished areas" may not be correct. Any area within state waters or the Sanctuary is accessible and most likely has been fished for target organisms. However, there are some species which are considered to be under-exploited, such as shortbelly rockfish.

What is the suggested change? Delete the phrase "in less accessible, previously unfished areas".

Statutory and Regulatory Context

What needs to be changed? "shrimp fishery" needs to be clarified in the third sentence.

Recognize that Rockfish Conservation Areas (RCAs) have been established to prevent trawl and hook-and-line bottom fishing on the shelf.

What is the suggested change? Add "pink" before "shrimp fishery".
Add a statement to reflect the existence of the RCAs.

Strategy: 4 Management Tracking Program

Activity: 4.1 Compile Database of Regulations and Restrictions

What needs to be changed: Recognize that there are existing sources for information on regulations: Federal Register and PFMC "Stock Assessment and Fisheries Evaluation" (SAFE) documents.

What is the suggested change? Incorporate these sources into text.

CDFG Minor Comments

Action Plan: Introduced Species

Introductory Text, Examples, page 121

What needs to be changed? It would be better to specifically identify the two areas that the infestation was found in here rather than later (See page 123).

What is the suggested change? Replace first sentence with the following:

"In the summer of 2000 an invasive green algae dubbed "killer algae" (*Caulerpa taxifolia*) was discovered in two areas of Southern California. The infestation in Aqua Hedionda Lagoon, located in Northern San Diego County, was discovered during routine monitoring of an existing eelgrass mitigation site. The Huntington Harbor infestation was reported by a private citizen."

Change second sentence to: "Native to tropical waters, this algae became popular..."

What needs to be changed? Discussion concerning eradication efforts.

What is the suggested change? The next to last sentence that starts off "Efforts to destroy" should be modified to read "Efforts to destroy the algae in Southern California have involved tarping off the infested area and treating the area with various forms of chlorine (e.g. liquid and solid pucks) under the tarps. To date the eradication program has cost over three million dollars."

Strategy: 1 Pathways of Introduction

Activity: 1.1 G Develop Matrix to Address Pathways, Threats, and Effective Prevention/Management. Ballast Water

What needs to be changed? It is not clear that the primary forms of introduced species in ballast water are the larval phases of marine animals

What is the suggested change? Add to first sentence "(primarily larval phases)" after "animals".

Strategy: 1 Pathways of Introduction

Activity: 1.1 G Develop Matrix to Address Pathways, Threats, and Effective Prevention/Management. Intentional Introduction

What needs to be changed? Page 125, para 1, line 3. What are marine "mites?"

I am not aware of this classification of marine animals.

What is the suggested change? Please check this terminology and replace with a more taxonomically acceptable term.

Strategy: 2 Introduction Prevention Program

Activity 2.1 Develop and Implement Introduced Species Outreach Program

What needs to be changed? CDFG and aquarium maintenance businesses should be added as potential partners

What is the suggested change? Add CDFG and aquarium maintenance businesses as potential partners for sections B, C, D, E, and F.

Strategy: 2 Introduction Prevention Program

Activity 2.4 Regulations/Permits/Enforcement

(CDFG Minor Comments continued- Introduced Species)

What needs to be changed? Item D. The language "prohibit aquaculture operations from using non-native species ...". Much of what is cultured in the state is exotic but these exotics don't reproduce successfully, so an overall ban on exotics is overreaction in this case.

Also, what exactly are "substantial genetic differences"? This language is problematic because there are no criteria associated with it.

What is the suggested change? Language should read "Prohibit aquaculture operations using non-natives with potential to successfully reproduce or establish."

Strategy: 3 Baseline Information, Research & Monitoring Program

Activity 3.1 Increase Baseline Research and **Activity 3.2** Monitor for New Invasions

What needs to be changed? Volunteer dive groups clubs should be added to the potential partners list. An outreach component could be to have a web site with a form that allows recreational divers a place to submit data (i.e. observations of introduced species or even baseline data on where they went and didn't see any invasives).

What is the suggested change? Add volunteer dive groups clubs to the potential partners list.

Strategy: 4 Detection and Response Plan

Activity 4.2 Develop Appropriate Response Plan

What needs to be changed? CDFG should be added to the potential partners list.

What is the suggested change? Add CDFG to the potential partners list.

Strategy: 4 Detection and Response Plan

Activity 4.3 Implement Response Plan

What needs to be changed? There has been a lack of communication about Items A, B, and C of this activity with regard to the *Caulerpa* eradication program.

Additionally, there was no research component associated with the response that might work along with Items A and B. We should be learning (research) and sharing (communication) the information from these Responses.

What is the suggested change? Add an additional Item E that is a Reporting Component.

CDFG Minor Comments

Action Plan: Krill Harvesting

Issues of Concern for MBNMS: page 137, first sentence:

What needs to be changed? What evidence is there that larger predators would be captured in krill nets? The fine mesh needed and the slow towing speeds would cause a great deal of water resistance at the mouth of the net.

What is the suggested change? This statement needs to be referenced.

CDFG Minor Comments

Action Plan: Special Marine Protected Areas

Strategy: 3 Types of Use

Activity: 3.2 Consider relationship between MLPA classifications and Sanctuary designations

What needs to be changed? What is meant by “relationship” and Sanctuary designations” in this recommendation?

What is the suggested change? “Consider the similarities and differences among MLPA classifications and the potential classifications for federally-designated MMAs or MPAs”.

Strategy: 11 Process and Criteria to Evaluate and Design Special MPAs in State Waters

Activity: 11.3 Describe Evaluation of Success of MLPA Outcome, Including Range of Acceptable Outcomes and Timelines for Process

What needs to be changed? Who are the “Outcomes” acceptable to? The wording is somewhat vague.

What is the suggested change? “Evaluate Success of MLPA Process, Including Range of Alternative MPA Networks Considered by the Commission, and Timeline for Process”.

CDFG Minor Comments

Action Plan: Operations and Administration

Strategy: 3 Sanctuary Advisory Council

Activity: 3.2 A Research Advisory Panel

What needs to be changed? Third bullet: "Promote, encourage, and review research projects in MBNMS". This appears to be duplicative of efforts now undertaken by SIMoN.

What is the suggested change? Add at beginning "In a coordinated effort with SIMoN, promote..."

Strategy: 9 Permit Program, page 190, Authorizations

What needs to be changed? It would help to identify what are some of the prohibited activities referred to in sentence 2.

What is the suggested change? Include a few examples of prohibited activities.

CDFG Minor Comments

Action Plan: Beach Closures and Contamination

Title and text

What needs to be changed? The title of this action plan should be amended to specify bacterial contamination. This change was made on the presentation slides.

What is the suggested change? Add "Bacterial" or "Microbial" before "Contamination"

What needs to be changed? Page 214, AB411 & AB 1946. Second paragraph. It would help to clarify or define the units or type of criteria listed below.

What is the suggested change? Define "MPN".

Strategy: 1 Research

Activity: 1.3 Explore the Potential to Analyze for Specific Pathogens

What needs to be changed? What is "T. gondii"?

What is the suggested change? This should be spelled out and explained.

Strategy: 3 Notification Program, Description

What needs to be changed? The term "User groups".

What is the suggested change? Let's be realistic and use less jargon . suggest changing this to "The public desires..."

Strategy: 3 Notification Program

Activity: 3.1 Develop Improved Notification system for User Groups

What needs to be changed? "*Potential partners*"

What is the suggested change? Suggest adding newspapers to "TV and radio news media".

Strategy: 6 Technical Training, Description

What needs to be changed? Line 1, what are "these industries"?

What is the suggested change? Name the industries.

CDFG Minor Comments

Action Plan: Cruise Ship Discharges

Environmental Impacts of Cruise Ships and Current Regulations

What needs to be changed? Page 231, last sentence, continuing to p. 232. How does the Sanctuary arrive at a figure of 11 million gallons per day? Using the estimate of 10 gallons per day, stated in the last sentence of the paragraph "Sewage", that only equals 50,000 gallons a day for 5,000 people.

What is the suggested change? Re-calculate, and re-write the next sentence to reflect this change.

What needs to be changed? Page 232, para. 1, sentence 1. Cruise ships are in fact under some strict environmental regulations, such as not being able to discharge sewage within 3 miles of shore. The use of the word "strict" is subjective.

What is the suggested change? Change sentence 1 to "...waste production, they are subject to only some of the environmental regulations..."

Next paragraph, "Sewage"

What needs to be changed? While sewage is more concentrated, it is also subject to a greater dilution rate as the dilution occurs while the ship is underway offshore. It is only untreated sewage that contains bacteria and viruses.

What is the suggested change? Suggest adding another sentence after the first one: "however, it is also subject to a greater dilution rate as the dilution occurs while the ship is underway offshore." Third sentence, at beginning, change "Sewage" to "Untreated sewage". Distinguish "untreated sewage" from "treated sewage" throughout this paragraph.

What needs to be changed? Page 232, last paragraph. Where is the documentation for the first sentence?

What is the suggested change? Add documentation to this statement.

What needs to be changed? Page 233, *Graywater*. Medical and dental wastes should not be included here since they are included in the previous section under "Sewage, medical facilities"

What is the suggested change? Delete ",and medical and dental wastes"

What needs to be changed? Page 234, *Hazardous Materials*. Last sentence. Since these substances cannot be discharged, they will not affect marine life.

What is the suggested change? Delete last sentence of this paragraph.

Strategy: 1 Harmful Discharge Prohibition

Activity: 1.1 Compile additional Background Information Needed to Support Regulations Including On-board Disposal Practices and Impacts to Resources From:

What needs to be changed? Hazardous wastes are already prohibited from being discharged.

What is the suggested change? Delete "hazardous wastes" from the first bullet.

(CDFG Minor Comments continued- Cruise Ship Discharges)

Strategy: 4 Cruise Ship Passenger Education Program

What needs to be changed? This strategy appears to be largely duplicative of Strategy 2 Outreach and Coordination. It is not clear that this Strategy 2 is directed towards the cruise ship industry rather than the passengers.

What is the suggested change? Add "Industry" before "Outreach and Coordination" to the title of Strategy CS-2.

CDFG Minor Comments

Action Plan: Water Quality Protection Program Implementation

Strategy: 2 Structural/Non-structural Controls, table

What needs to be changed? "Develop/Distribute BMB (which should read BMP)

Guidelines. There are statewide documents already in use

What is the suggested change? Delete the word "Develop" from this line on the table.

Strategy: 11 Public Education and Outreach, table

What needs to be changed? Underwater Hull Cleaning Education, Implementation

Status; a meeting was convened with industry to discuss BMPs

What is the suggested change? Change status to "Partial Implementation"

Strategy 12: Technical Training

What is the suggested change? Include a reference to existing small craft refueling laws:

Strategy: 16 Underwater Hull Maintenance, table

What needs to be changed? An initial meeting with divers occurred at Moss Landing to initiate guidelines and training for hull cleaning. The status of the last step needs to be changed

What is the suggested change? Change Implementation Status of last step to "Partial Implementation"

CDFG Minor Comments

Action Plan: Fishing Related Research and Education

MBNMS Fisheries Related Programs

What needs to be changed? Page 288, para. 2, introductory sentence. This fails to mention the involvement of the Sanctuary with MPA issues.

What is the suggested change? Add after "fisheries-related research", "providing input on regional MPA issues,"

Strategy: 3 Sustainable Fisheries Definition and Promotion, Description

What needs to be changed? First paragraph, last sentence: Not all fishermen would like to participate.

What is the suggested change? Add "Some" before "fishermen".

Strategy: 7 Public Outreach on Links Between Healthy Ecosystems and Fish Stocks, Description

What needs to be changed: "The decreasing trend in fish stocks..." is too broad and misleading. Not all fish stocks are declining, and due to severe harvest restrictions it is likely that the declines have ceased for those stocks which are considered to be overfished.

What is the suggested change? Suggest re-writing as "For those fish stocks which are known to have declined, this trend is not always attributed..."

CDFG Minor Comments

Action Plan: Marine Mammal, Seabird, and Turtle Disturbance

Introductory Text, Endangered species, page 332

What needs to be changed? Only the sea otter "resides" within the Sanctuary. The other 25 species pass through for various lengths of time

What is the suggested change? Change "reside" to "can be found".

Introductory Text, Regulations, page 335

What needs to be changed? Need to add reference to the California Endangered Species Act (CESA)

What is the suggested change? Add "California Endangered Species Act (CESA)" after "Endangered Species Act,"

Strategy: 2 Low Flying Aircraft Disturbance

Activity: 2.2E Research and Monitoring. Evaluate overflights...

What needs to be changed? Sentence 2. The nearshore set gill net no longer exists

What is the suggested change? Add "less so by the now defunct" after "impacted by oiling events and"

Strategy: 4 Marine Debris

Activity: 4.1 Conduct Education and Outreach Programs to Illustrate the Problems Associated with Marine Debris

What needs to be changed? This is already being done by the California Coastal Commission via their beach cleanup days

What is the suggested change? Begin the name of the Activity with "Building on the work done by the California Coastal Commission, conduct education..."

Strategy: 5 Commercial Harvest Related Disturbance, text

What needs to be changed? Regulations already exist which require shielding of light sources in the squid fishery.

What is the suggested change? Delete "re-directing or shielding light sources in some fashion,"

Strategy: 5 Commercial Harvest Related Disturbance

Activity: 5.2A. Increase Interagency coordination on Bycatch Reduction of Marine Mammals, Sea Turtles and Birds. Coordinate with NOAA Fisheries to ensure that levels of marine mammals, sea turtles, and bird bycatch and other fishery impacts are consistent with the resource protection goals of the Sanctuary.

What needs to be changed? The inclusion of the phrase "and other fishery impacts" is vague and not defined.

What is the suggested change? Delete the phrase "and other fishery impacts".

Strategy: 6 Acoustic Disturbance, Strategy Description

What needs to be changed? Acknowledge that noise above the water can be a problem as well.

(CDFG Minor Comments continued- Marine Mammal, Seabird, and Turtle Disturbance)

What is the suggested change? In second sentence, add "loudspeakers on boats traveling by or stopping near nearshore rookeries," after "sonar technologies"

Strategy: 6 Acoustic Disturbance

Activity: 6.1A Research and monitoring. Encourage passive acoustic monitoring...

What needs to be changed? Acknowledge that noise above the water can be a problem as well.

What is the suggested change? Add "in air and underwater" after "anthropogenic noise".

CDFG Minor Comments

Action Plan: Motorized Personal Watercraft

Figure 1:

What needs to be changed: It appears that two of the pinniped haul-out areas just north of Pillar Point are inland.

What is the suggested change? Please verify the location of the two green circles in question.

CDFG Minor Comments

Action Plan: Ecosystem Monitoring

Introduction: page 416, para. 2

What needs to be changed? Next to last sentence. SIMoN has more than one goal (see page 429). This description is too simplistic and omits important goals of SIMoN.

What is the suggested change? Rewrite to make this statement consistent with language on page 429.

End CDFG Minor Comments